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March 6, 2023

**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, New York 10007

USDC SDNY  
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Re: ASMedia's Motion to Seal  
*Bell Semiconductor, LLC v. ASMedia Technology, Inc.*, 1:22-cv-09260-VEC

Dear Judge Caproni,

This firm represents Defendant ASMedia Technology, Inc. in the above-referenced action. ASMedia respectfully requests the Court's permission to file redacted versions of ASMedia's Memorandum of Law in Support of its Motion to Dismiss and the accompanying Declaration of Mr. Jerry Wang. Counsel for Plaintiff Bell Semiconductor, LLC indicated that it consents to redaction of the company name only in the text proposed for redaction by ASMedia.

Redaction is appropriate because these documents include "sensitive commercial information[.]" *PDV Sweeny, Inc. v. ConocoPhillips Co.*, No. 14-cv-5183 AJN, 2014 WL 4973916, at \*3 (S.D.N.Y. Oct. 6, 2014). Specifically, the Memorandum and supporting Declaration reference specific unit sales information and a specific customer of ASMedia for those unit sales. There is a significant risk that third parties would use the sensitive commercial information contained therein to compete with ASMedia. *Gelb v. Am. Tel & Tel. Co.*, 813 F. Supp. 1022, 1035 (S.D.N.Y. 1993) (stating that "defendants' assertion that its competitors . . . could use [the information] to do competitive injury to the defendants is . . . a sufficient basis" for sealing). The competitive injury to ASMedia would be permanent. Thus, the requested redaction is necessary to protect ASMedia's confidential business information. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 598 (1978) (noting that courts often seal "sources of business information that might harm a litigant's competitive strategy").

Pursuant to this Court's Individual Rules of Practice, the Court's standing order at 19-mc-00583, and ECF Rules & Instructions at section 6, ASMedia is separately filing highlighted versions of the Memorandum and supporting Declaration showing the proposed redactions, along with redacted versions of the same.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Chris Schmidt', with a stylized flourish at the end.

Chris R. Schmidt

Application GRANTED. The Court adopts the same reasoning in its order granting Defendant's motion to seal the same information in Defendant's original papers in support of its motion to dismiss. *See* Order, Dkt. 29.

SO ORDERED.

 03/06/2023

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE